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ABSTRACT

This report discusses strategies for handling difficult juvenile detention populations (warrant cases, probation violators, and post-adjudication detention). It offers strategies used in the Juvenile Detention Alternatives Initiative (JDAI) sites and in other jurisdictions to reduce unnecessary detention in these special cases. Chapter 1, "Why Focus on 'Special' Detention Cases?" introduces the issue. Chapter 2, "Minors Detained on Warrants," looks at the nature and extent of the problem and presents JDAI strategies and solutions for minors with warrants. Chapter 3, "Minors Detained on Probation Violations," focuses on the nature and extent of the problem and offers JDAI strategies and solutions for juvenile probation violators. Chapter 4, "Minors in Post-Adjudication and Post-Disposition Detention," reviews problems between the adjudication and the disposition hearings and examines post-disposition detention time spent by children waiting for (or returned from) out-of-home placement. Chapter 5, "Lessons Learned," discusses lessons JDAI sites learned (e.g., remedies must be linked to adequate data and analysis of the problem population, detention reform jurisdictions have produced models worth replicating, and strategies for controlling special detention cases are not necessarily costly). A list of resources is included. (SM)

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PATHWAYS TO JUVENILE DETENTION REFORM

SPECIAL DETENTION CASES

strategies for handling difficult populations

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9

PATHWAYS TO JUVENILE DETENTION REFORM

SPECIAL DETENTION CASES

strategies for handling difficult populations

by David Steinhart

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TABLE OF CONTENTS

Series Preface ____ 4

Chapter 1 Why Focus on "Special" Detention Cases? ____ 10

Chapter 2 Minors Detained on Warrants ____ 12

Chapter 3 Minors Detained on Probation Violations ____ 20

Chapter 4 Minors in Post-Adjudication and Post-Disposition Detention ____ 34

Chapter 5 Lessons Learned ____ 50

Resources ____ 53

Titles in the ***Pathways*** Series ____ 55

SERIES PREFACE

Many years ago, Jim Casey, a founder and long-time CEO of the United Parcel Service, observed that his least prepared and least effective employees were those unfortunate individuals who, for various reasons, had spent much of their youth in institutions, or who had been passed through multiple foster care placements. When his success in business enabled him and his siblings to establish a philanthropy (named in honor of their mother, Annie E. Casey), Mr. Casey focused his charitable work on improving the circumstances of disadvantaged children, in particular by increasing their chances of being raised in stable, nurturing family settings. His insight about what kids need to become healthy, productive citizens helps to explain the Casey Foundation's historical commitment to juvenile justice reform. Over the past two decades, we have organized and funded a series of projects aimed at safely minimizing populations in juvenile correctional facilities through fairer, better informed system policies and practices and the use of effective community-based alternatives.

In December 1992, the Annie E. Casey Foundation launched a multi-year, multi-site project known as the Juvenile Detention Alternatives Initiative (JDAI). JDAI's purpose was straightforward: to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. The initiative was inspired by work that we had previously funded in Broward County, Florida, where an extremely crowded, dangerous, and costly detention operation had been radically transformed. Broward County's experience demonstrated that interagency collaboration and data-driven policies and programs could reduce the numbers of kids behind bars without sacrificing public safety or court appearance rates.

Our decision to invest millions of dollars and vast amounts of staff time in JDAI was not solely the result of Broward County's successful pilot endeavors, however. It was also stimulated by data that revealed a rapidly emerging national crisis in juvenile detention. From 1985 to 1995, the number of youth held in secure detention nationwide increased by 72 percent *(see Figure A)*. This increase

might be understandable if the youth in custody were primarily violent offenders for whom no reasonable alternative could be found. But other data *(see Figure B)* reveal that less than one-third of the youth in secure custody (in a one-day snapshot in 1995) were charged with violent acts. In fact, far more kids in this one-day count were held for status offenses (and related court order violations) and failures to comply with conditions of supervision than for dangerous delinquent behavior. Disturbingly, the increases in the numbers of juveniles held in secure detention facilities were severely disproportionate across races. In 1985, approximately 56 percent of youth in detention on a given day were white, while 44 percent were minority youth. By 1995, those numbers were reversed *(see Figure C)*, a consequence of greatly increased detention rates for African-American and Hispanic youth over this 10-year period.[1]

As juvenile detention utilization escalated nationally, crowded facilities became the norm rather than the exception. The number of facilities

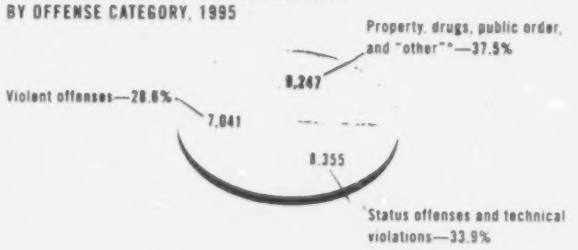
FIGURE A

AVERAGE DAILY POPULATION OF JUVENILES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE B

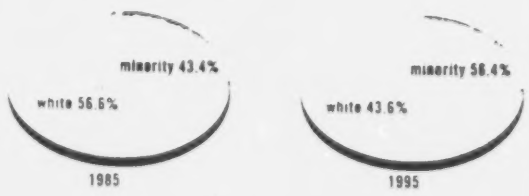
ONE-DAY COUNTS IN DETENTION FACILITIES BY OFFENSE CATEGORY, 1995



*Examples of "other" include alcohol and technical violations.
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE C

JUVENILES IN PUBLIC DETENTION CENTERS BY MINORITY STATUS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

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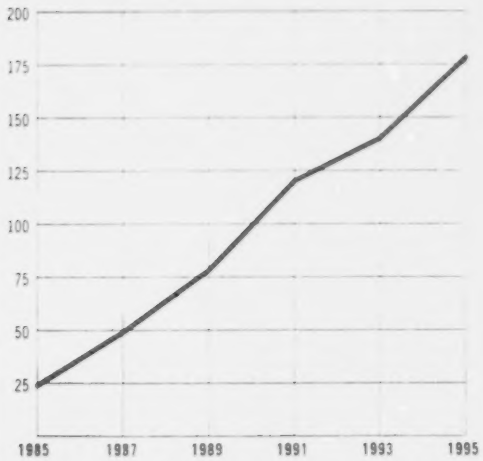
operating above their rated capacities rose by 642 percent, from 24 to 178, between 1985 and 1995 (*see Figure D*), and the percentage of youth held in overcrowded detention centers rose from 20 percent to 62 percent during the same decade *(see Figure E)*. In 1994, almost 320,000 juveniles entered overcrowded facilities compared to 61,000 a decade earlier.

FIGURE D

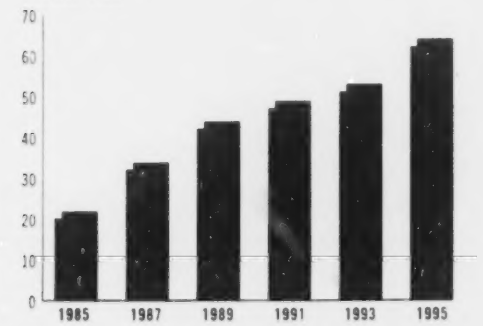
NUMBER OF OVERCROWDED U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

FIGURE E

PERCENTAGE OF JUVENILES IN OVERCROWDED U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

Crowding is not a housekeeping problem that simply requires facility administrators to put extra mattresses in day rooms when it's time for lights out. Years of research and court cases have concluded that overcrowding produces unsafe, unhealthy conditions for both detainees and staff. A recently published report by staff of the National Juvenile Detention Association and the Youth Law Center summarizes crowding's impact:

> *Crowding affects every aspect of institutional life, from the provision of basic services such as food and bathroom access to programming, recreation, and education. It stretches existing medical and mental health resources and, at the same time, produces more mental health and medical crises. Crowding places additional stress on the physical plant (heating, plumbing, air circulation) and makes it more difficult to maintain cleaning, laundry, and meal preparation. When staffing ratios fail to keep pace with population, the incidence of violence and suicidal behavior rises. In crowded facilities, staff invariably resort to increased control measures such as lockdowns and mechanical restraints.*[2]

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Crowding also puts additional financial pressure on an already expensive public service. Operating costs for public detention centers more than doubled between 1985 and 1995, from $362 million to almost $820 million *(see Figure F)*. Some of these increased operating expenses are no doubt due to emergencies, overtime, and other unbudgeted costs that result from crowding.

FIGURE F

TOTAL OPERATING EXPENDITURES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995

JDAI was developed as an alternative to these trends, as a demonstration that jurisdictions could control their detention destinies. The initiative had four objectives:

- to eliminate the inappropriate or unnecessary use of secure detention;
- to minimize failures to appear and the incidence of delinquent behavior;
- to redirect public finances from building new facility capacity to responsible alternative strategies; and
- to improve conditions in secure detention facilities.

To accomplish these objectives, participating sites pursued a set of strategies to change detention policies and practices. The first strategy was *collaboration*, the coming together of disparate juvenile justice system stakeholders and other potential partners (like schools, community groups, the mental health system) to confer, share information, develop system-wide policies, and to promote accountability. Collaboration was also essential for sites to build a consensus about the limited purposes of secure detention. Consistent with professional standards and most statutes, they agreed that secure detention should be used only *to ensure that alleged delinquents appear in court at the proper times and to protect the community by minimizing serious delinquent acts while their cases are being processed.*

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Armed with a clearer sense of purpose, the sites then examined their systems' operations, using objective data to clarify problems and dilemmas, and to suggest solutions. They changed how admissions decisions were made (to ensure that only high-risk youth were held), how cases were processed (particularly to reduce lengths of stay in secure detention), and created new alternatives to detention programs (so that the system had more options). Each site's detention facility was carefully inspected and deficiencies were corrected so that confined youth were held in constitutionally required conditions. Efforts to reduce disproportionate minority confinement, and to handle "special" detention cases (e.g., probation violations or warrants), were also undertaken.

In practice, these reforms proved far more difficult to implement than they are now to write about. We began JDAI with five sites: Cook County, IL; Milwaukee County, WI; Multnomah County, OR; New York City; and Sacramento County, CA. Just about when implementation activities were to begin, a dramatic shift occurred in the nation's juvenile justice policy environment. High-profile cases, such as the killing of several tourists in Florida, coupled with reports of significantly increased juvenile violence, spurred both media coverage and new legislation antithetical to JDAI's notion that some youth might be "inappropriately or unnecessarily" detained. This shift in public opinion complicated matters in virtually all of the sites. Political will for the reform strategies diminished as candidates tried to prove they were tougher on juvenile crime than their opponents. Administrators became reluctant to introduce changes that might be perceived as "soft" on delinquents. Legislation was enacted that drove detention use up in several places. Still, most of the sites persevered.

At the end of 1998, three of the original sites—Cook, Multnomah, and Sacramento Counties—remained JDAI participants. Each had implemented a complex array of detention system strategies. Each could claim that they had fundamentally transformed their system. Their experiences, in general, and the particular strategies that they implemented to make their detention systems smarter, fairer, more efficient, and more effective, offer a unique learning laboratory for policymakers and practitioners who want to improve this critical component of

the juvenile justice system. To capture their innovations and the lessons they learned, we have produced this series of publications—***Pathways to Juvenile Detention Reform.*** The series includes 13 monographs, all but two of which cover a key component of detention reform. (As for the other two monographs, one is a journalist's account of the initiative, while the other describes Florida's efforts to replicate Broward County's reforms statewide.) A complete list of the titles in the ***Pathways*** series is provided at the end of this publication.

By the end of 1999, JDAI's evaluators, the National Council on Crime and Delinquency, will have completed their analyses of the project, including quantitative evidence that will clarify whether the sites reduced reliance on secure detention without increasing rearrest or failure-to-appear rates. Data already available, some of which was used by the authors of these monographs, indicate that they did, in spite of the harsh policy environment that drove detention utilization up nationally.

For taking on these difficult challenges, and for sharing both their successes and their failures, the participants in the JDAI sites deserve sincere thanks. At a time when kids are often disproportionately blamed for many of society's problems, these individuals were willing to demonstrate that adults should and could make important changes in their own behavior to respond more effectively to juvenile crime.

Bart Lubow
Senior Associate and Initiative Manager
The Annie E. Casey Foundation

Notes

[1] In 1985, white youth were detained at the rate of 45 per 100,000, while African-American and Hispanic rates were 114 and 73, respectively. By 1995, rates for whites had decreased by 13 percent, while the rates for African-Americans (180 percent increase) and Hispanics (140 percent increase) had skyrocketed. Wordes, Madeline and Sharon M. Jones. 1998. "Trends in Juvenile Detention and Steps Toward Reform," *Crime and Delinquency, 44(4):*544-560.

[2] Burrell, Sue, et. al., *Crowding in Juvenile Detention Centers: A Problem-Solving Manual,* National Juvenile Detention Association and Youth Law Center, Richmond, KY, prepared for the U.S. Department of Justice, Department of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (December 1998), at 5-6.

Chapter 1

WHY FOCUS ON "SPECIAL" DETENTION CASES?

When the Juvenile Detention Alternatives Initiative (JDAI) was launched in 1992, those involved assumed that specific detention reforms could control juvenile detention rates and populations. In large part, this assumption was correct. Objective, risk-based admissions practices, applied in all JDAI sites, effectively diverted many low- and moderate-risk youth from unnecessary pre-trial detention to new or expanded alternative programs. Reductions in case processing times and in lengths of stay for certain youth also contributed to reduced reliance on secure beds.

Despite these successes, certain cases seemed to resist reform, and in some JDAI sites, detention rates in these cases remained high. These "special" detention cases clustered in predictable areas: children detained on warrants, children detained for probation violations, and children in post-adjudication or post-disposition detention waiting for placement. In all JDAI sites, it took time to recognize the impact and challenges of these special detention cases and to develop relevant reform strategies.

When the JDAI collaboratives began to analyze data on these population subgroups, they were surprised by the numbers and their impact on detention utilization. In 1996, for example, warrant cases represented about one-fifth of all admissions to detention in Cook, Multnomah, and Sacramento Counties and occupied anywhere from 10 to 20 percent of their bed space. Technical probation violators accounted for approximately one-quarter of the admissions in two of these sites in 1996. These figures led to a simple conclusion: effective population management demanded policy and program innovations that could safely reduce the presence of these cases in the secure facility.

The JDAI sites are not unusual in regard to the prevalence of these cases. As noted in the preface, more than one-third of all the youth in secure detention, when a one-day snapshot was taken in 1995, were held for technical probation

violations, status offenses, and related court order violations. These data indicate that "special" detention cases are quite common across the nation.

If these types of cases are so prevalent, even in jurisdictions working hard to reduce inappropriate or unnecessary detention, there must be important reasons why such sub-populations have proven hard to address. JDAI sites confronted a series of obstacles to change when addressing these cases, including:

- the absence of accurate, timely data to clarify the scope and nature of the problem
- lack of clarity about detention's purposes that made solutions difficult to identify
- system traditions and legal cultures that created a presumption in favor of detention
- a paucity of literature or training resources about "best practices" from other jurisdictions.

This ***Pathway*** discusses warrant cases, probation violators, and post-adjudication detention and offers strategies and solutions used in JDAI and other jurisdictions to reduce unnecessary detention in these special cases. It concludes with some lessons learned over five years of JDAI experience. These ideas, suggestions, and approaches may prove useful to juvenile justice practitioners facing similar problems.

Chapter 2

MINORS DETAINED ON WARRANTS

A. Nature and Extent of the Problem

A warrant is a written order or authorization to take an individual into custody. Juvenile warrants may be different types issued by various authorities, depending on state law. There was little consistency among JDAI jurisdictions in the nomenclature or procedure applicable to warrants. In Cook County, Illinois, the dominant type of warrant leading to juvenile detention is a bench warrant issued by a juvenile court judge after a failure to appear (FTA) at a court hearing. In Multnomah County, Oregon, minors may be detained on at least four types of juvenile warrants, including an "unable to locate" warrant for juveniles believed to have mitigating factors explaining their nonappearance.

An overview of detention admissions of minors with warrants at three JDAI sites is shown in Table 1. This table is based on data showing reasons for admission to detention collected and reported by the National Council on Crime and Delinquency (NCCD) for 1995-96. The table indicates that detention admissions for juveniles with warrants constituted 20 percent or more of all admissions in the three JDAI jurisdictions. Based on these data, Cook County appeared to have the most serious problem with warrant cases, needing 107 beds per day in 1996 to detain children apprehended on warrants. Sacramento County also reported chronically high admission rates for minors with warrants; in 1995, 42 beds per day (15 percent of the county's detention capacity) were needed for these children.

TABLE 1
JUVENILES DETAINED ON WARRANTS AT JDAI SITES: NO. ADMISSIONS, PERCENT ADMISSIONS, ALOS DAYS, AND BEDS USED, 1995/1996

Site	Admits	% Admits	ALOS (Days)	Beds Used
Cook Co.	2,104	24	19	107
Multnomah Co.	565	20	7	11
Sacramento Co.	1,024	20	15	42

Source: National Council on Crime and Delinquency.

JDAI site officials indicate that FTAs are the predominant reason why minors with warrants are detained, so the following discussion focuses primarily on such cases. Factors which appear to contribute to high detention rates for minors with warrants are the following.

1. Bypass of risk screening

A keystone of juvenile detention reform in JDAI jurisdictions is the risk assessment instrument (RAI). The RAI is used at intake to evaluate the public safety and the

flight risk of a minor and to guide the intake officer in deciding whether to release or detain. Risk screening provides an essential triage device that restricts secure detention to high-risk cases. However, minors apprehended on bench warrants often bypass risk screening and go directly into secure detention. Most often, this bypass is justified as a concession to the authority of the juvenile court judge who issued the warrant, and detention personnel may have no option to reassess the case based on information available at the time the minor is detained. Alternatively, the risk instrument may be applied, but it is designed so the result in these cases is invariably secure detention. Automatic and inflexible detention policies can swiftly build up warrant cases in the detention center.

2. Reasons for FTAs not taken into account

A minor and family may willfully fail to appear in court. Alternatively, the FTA may be excusable or beyond their control. For example, they might not have been notified of a change in a court hearing date. In one instance, reported by an attorney at the Youth Law Center in San Francisco, a judge issued a bench warrant for FTA because the minor, after waiting three hours in the courtroom, had to go to the bathroom and was not present when his case was called. A breakdown in communication at the court is a poor reason for secure detention.

3. Inadequate notification and record keeping

Many FTAs in court are caused by poor notification. It is not unusual, for example, for a hearing notice to be sent to a wrong address or name. There may be no procedure for double checking addresses or reminding children and parents of an approaching court date. Attorneys may fail to inform their clients of continuances or other court calendar changes. Some systems have poor mechanisms for removing old arrest or bench warrants from the record, even though the minor has appeared or the reason for the warrant has been resolved. If these warrants are not cleared from the court record, the minor may be re-arrested and detained until probation or the court uncovers the bureaucratic error.

4. Lengthy delays in scheduling court appearances

Long delays between arrest and an initial court hearing contribute to high rates of FTA. Children who are cited and released, with only a single piece of paper to

remind them of an appearance obligation, may lose the citation or forget the date, particularly if parents themselves never are notified.

B. JDAI Strategies and Solutions for Minors with Warrants

Several strategies were applied by JDAI sites to improve system response in juvenile warrant cases and to reduce associated detention rates. These strategies included the following.

1. Analysis of the warrant caseload

Quantitative analysis of the caseload of juveniles detained on warrants should be a prerequisite for any plan to improve system response in these cases. The analysis should identify the level of the problem as well as the specific factors that may contribute to high detention rates in these cases. The analysis should include:

- The number of warrants issued, by type and by issuing authority, and reasons for issuance (e.g., new offense, FTA, escape from custody). "Holds" for other jurisdictions should also be tracked.
- The basic characteristics of minors detained on warrants including offense and risk score.
- The number of admissions to detention, length of stay, and beds used by minors with various types of warrants.
- A description of the process for issuing and curing warrants, including reasons for nonappearances.
- A review of options to detention that may be appropriate for minors who pose minimum risk to the public.

Analyses of FTA warrants in Cook County indicated that these were primarily issued at the first scheduled hearing. JDAI leaders quickly realized that long delays between arrest and first appearance, combined with no formal notification system, were driving FTA rates higher. This analysis enabled these leaders to design strategies to successfully reduce the number of FTA warrants issued.

2. Risk screening and intake procedures

Risk screening should be mandatory for minors apprehended on warrants. When applied, the risk assessment instrument (RAI) should contribute to detention

decisions related to underlying offense, behavior, and other risk factors. Commonly, the RAI will include a category for minors that boosts their scores if they have a prior history of bench warrants. In many places, however, the policy is even more restrictive, automatically designating the minor for secure detention. These mandatory detention policies are rooted in the notion that a court order is sacrosanct, immediately enforceable, and not to be second guessed by an administrator or caseworker. However, a mandatory detention policy does not necessarily promote the goals of juvenile detention, which are to protect the public and to ensure the minor's appearance in court. These goals can often be met by nonsecure alternatives to detention (or by simple release) if the minor's RAI score indicates little likelihood of re-offending or absconding.

The Multnomah County Juvenile Court changed its procedures to give detention intake staff new options for handling minors apprehended on bench warrants. Judges may now check a box on the order to issue a bench warrant, authorizing the detention staff to evaluate the minor and to refer him or her to nonsecure detention alternatives. This option was added by the court to reduce high bed utilization rates for these special detention cases. The judge is most likely to authorize this option for a first-time FTA or when the court suspects that the family has moved or was not properly notified of the hearing date.

3. Differentiation of warrants

The number of minors detained on warrants can be reduced by creating different warrant categories. In Cook County, for example, the juvenile court re-examined its juvenile bench warrants and reclassified them into two categories. A new Category 1 warrant, issued for more serious behavior like FTA, carries a requirement of a 36-hour hold until a hearing can be held. Less serious no-shows (e.g., first time in court on a lesser offense) lead to the issuance of a Category 2 warrant. A police officer who apprehends a minor on a Category 2 warrant can, before or after court hours, contact an intake worker who will risk screen the youth over the phone and authorize detention or release. Multnomah County also uses multiple types of warrants for juveniles, including arrest warrants, "failure to appear" or "probation violation" bench warrants, and "unable to locate" (UTL) warrants. UTL

warrants are issued for non-culpable FTAs—for example, when the judge believes that the minor may not have been notified of the proceedings. Detention decisions depend on the type of warrant issued.

4. Alternatives to detention for minors with warrants

Two JDAI jurisdictions with historically high admission rates for minors with warrants developed alternative programs as options to detention in these cases. In Cook County, children with Category 1 (mandatory detain) bench warrants for FTA can now be referred (after initial, short-term detention) to an evening-reporting center. The program, which also serves technical probation violators, is a mid-level response between secure detention and release. Minors referred to these centers must report there on designated days between 4:00 and 9:00 p.m. The evening program provides structure and supervision, encouraging compliance with probation conditions as well as appearance at scheduled court hearings. Cook County has instituted another alternative to detention for younger minors (12 or under) with Category 1 (mandatory detain) warrants, directing them into non-secure shelters rather than secure detention. The Cook County Juvenile Court has also implemented "Detention Step Down," which allows children to go from detention to non-secure programs without waiting to go back to court for a transfer order. In Detention Step Down, the judge authorizes the probation officer in individual cases to move probation violators, minors with warrants, and other post-adjudicated youth to non-secure options instead of keeping minors in secure lockup until the next court date.

Multnomah County has made its community detention program available for minors apprehended on warrants. Community detention involves a set of non-secure home-based restrictions placed on youth in lieu of confinement. The degree of restrictiveness imposed depends upon the youth's risk and performance in the program. Noncompliance with community detention rules can lead to reclassification and tighter restrictions; positive performance results in less stringent requirements. A second FTA in court exhausts the community detention privilege and usually results in admission to secure detention. The availability of community detention in warrant cases is credited in part for driving down the number of

secure beds used for warrant detentions in Multnomah County by 25 percent between 1992 and 1995.

5. Clearing backlog of invalid warrants

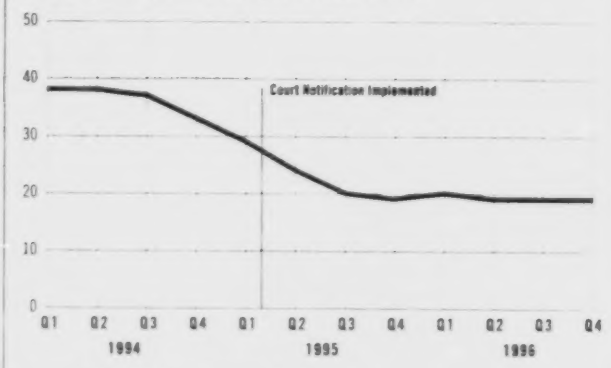
One problem in some juvenile court systems is an accumulation of warrants that remain on the active file even though they have been executed or are no longer valid. An example of how jurisdictions can deal with bad or stale warrants comes from the Cuyahoga County (Cleveland, Ohio) Juvenile Court. In 1989, Cuyahoga County administrators found a backlog of 5,000 outstanding warrants, many duplicates or outdated. To clear this backlog, the juvenile court instituted a warrant "scrub down." For each court hearing after a warrant, the warrant was deleted automatically from the books. To avoid duplication, the court adopted a policy of issuing no new warrant if there was already an outstanding warrant in the case.[1] Among JDAI sites, Multnomah County in 1998 implemented new policies that required verification of warrants and warrant histories in juvenile court prior to issuing a secure detention order.

6. Preventing FTAs

Cook County had a high FTA rate at the outset of JDAI, resulting in many automatic detention decisions, often for youth who otherwise posed minor risks. A major reason for these high rates was long periods between arrest and first court appearance dates for youth released by the police. To minimize these failure rates, Cook County officials took two steps. First, they created a new "arraignment" court and substantially reduced the time to first appearance. Second, they implemented a court notification program that reminded youth when and where they were to appear. Figure 1 shows the dramatic impact that these reforms had on FTA rates.

FIGURE 1

QUARTERLY FTA RATE, 1994-1996, COOK COUNTY



Source: Clerk of the Court electronic docket

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TABLE 2

SPECIAL JUVENILE DETENTION CASES: STRATEGIES FOR MINORS WITH WARRANTS

Problem	Strategies
Automatic detain policy for minors with warrants and related high bed utilization rates	1. Analyze bed space demand created by mandatory detention. 2. Require RAI scoring of every minor for evaluation by juvenile court. 3. Reclassify warrants according to severity of behavior and add new categories as needed. 4. Establish comprehensive written policies and procedures according to type of warrant. 5. Establish alternatives to secure detention.
Minors detained on warrants until subsequent court hearing; length of stay on warrants too long	1. Analyze bed space demand related to length of stay. 2. Identify community detention or non-secure program options according to type of warrant, severity of FTA, and risk score. 3. Establish "fast-track" hearing schedule to reduce delay in getting detained FTA minor to next hearing.
System inefficiency in notification and in clearing old warrants	1. Review hearing notification process to ensure that system is using accurate address information and timely notification procedures. 2. Establish "reminder notice" system, by phone or by mail, especially for long delays between citation or notice and the hearing date. 3. Clearly identify the notification responsibilities of attorneys, probation, and court personnel. 4. Ensure that there is an efficient system to remove outdated warrants from the active file.
High rates of FTA and correspondingly high number of bench warrants issued	1. Study local FTAs and reasons for them to lay factual foundation for appropriate responses. 2. Improve court date notification with a) systematic tracking of addresses and telephones, b) scheduled reminder notices by mail and/or phone, c) home visits in high FTA risk cases. 3. Identify parties responsible for notifying children and families of court dates, with specific roles for attorneys, probation, and court staff. 4. Facilitate transportation to court by pre-paying for public transit, adjusting local transit schedules, and using volunteer drivers. 5. Reduce court backlogs and long calendar delays which contribute to high FTA rates.

FTA = failure to appear.

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Other interesting insights for preventing FTAs can be found in work done in Oklahoma County, Oklahoma. The county's juvenile detention center had experienced chronic overcrowding since 1990, running almost 200 percent of capacity by 1996. A prime reason was the failure-to-appear rate, estimated to be as high as 40 percent of cases. The county had long delays between arrest and first court date—up to six months for non-detained juveniles. The FTA problem was further compounded by a slow and inconvenient public transportation system; to get to the court by 9 a.m., some families had to start riding the bus at sunrise. Independent consultants recommended several changes in warrant and detention procedures, including:

- **Improve child and parent notification procedures.** Analyses revealed that many children apprehended on warrants had never received written notice of their court hearing dates. The county had no system for tracking families that had moved or families without telephones. The county was advised to analyze the number of FTAs due to bad addresses or bad telephone numbers. It was also advised to assess the adequacy of attempts to contact the family, with particular attention to the notification responsibilities of attorneys representing the children and departments (probation, courts) handling their cases. New procedures to update family records, to send reminder notices, and to make phone contacts during hours when the minor and parents were likely to be home were also recommended.

- **Improve transportation to court.** The Juvenile Bureau was already giving bus tokens to arrested youth, but these tokens were rarely in the child's pocket four weeks later on the day of the court hearing. A systematic review of transportation options was recommended by the consultants, including revisions of bus schedules and additions of shuttles with better routes to the courthouse. For families with no car or poor bus service, the use of volunteers to drive children and parents to the court was advised.

Note

[1]Reported in Carl V. Sanniti, "Controlling Juvenile Detention Population: Strategies for Reform," in Ira M. Schwartz and William H. Barton, eds., Reforming Juvenile Detention: No More Hidden Closets (Ohio State University Press), 1994, p. 103.

Chapter 3

MINORS DETAINED ON PROBATION VIOLATIONS

A. Nature and Extent of the Problem

A juvenile probation violator is one who disobeys a court order while under the jurisdiction of the court for a delinquency or status offense. The violation may consist of a new criminal offense or it may be a failure to obey a condition of probation, such as regular school attendance. Violation of a condition of probation without a new crime is considered a "technical" violation of probation (TVOP). In some jurisdictions, technical probation violators occupy a significant share of detention beds.

Even after five years of JDAI operations, it remains difficult to compare probation violator policy and practice from one site to another. The main barrier to comparison is the limited data on probation violators. Some jurisdictions did not track the number of minors detained on probation violations, or if they did, their data system was unable to distinguish technical violators from those charged with new crimes. Despite the lack of uniform data systems, the NCCD made a concerted effort in 1997 to reformat data previously collected from JDAI sites. The results for three sites are shown in Table 3. Both Cook and Multnomah Counties had significantly high numbers of admissions for juvenile probation violators and were utilizing 20 to 35 percent of available detention space for these cases.

TABLE 3

JUVENILES DETAINED FOR "TECHNICAL" PROBATION VIOLATIONS AT THREE JDAI SITES: NO. ADMISSIONS, PERCENT ADMISSIONS, ALOS DAYS, AND AVERAGE DAILY BEDS USED, 1994 AND 1996

Site		Admits	% Admits	ALOS (Days)	Bed Used
Multnomah, OR	1994	552	20	6	9
	1996	640	28	5	8
Cook County, IL	1994	3,109	35	16	134
	1996	2,196	24	18	106
Sacramento, CA	1994	313	6	14	12
	1996	347	7	18	17

Source: National Council on Crime and Delinquency.

The recycling of technical probation violators into detention appears to be a widespread and persistent national problem, even though data documenting the practice may be incomplete or absent in many jurisdictions. Glimpses of the size

of the problem are occasionally offered by special state studies or data collection efforts. Some examples are as follows:

- Virginia's Department of Criminal Justice Services reports that for calendar year 1996, 42 percent of all admissions to juvenile detention in Virginia were for violations of probation, parole, or court orders.[1]
- A study of detention practices in Maine, completed in 1997 by the NCCD, reveals that for a one-year period 1995-96, probation violations (as distinguished from "new crimes") accounted for 42 percent of juvenile admissions to local detention facilities and 52 percent of admissions to regional detention facilities. Moreover, the Maine study disclosed, probation violators in local detention facilities spent more time in custody than juveniles admitted for new crimes.[2]
- Florida's Department of Juvenile Justice reports that between 1992 and 1996, detentions of minors for "non-law violations of community control" nearly doubled from 905 incidents to 1,706. During this same period, juvenile detentions for contempt of court (which may include technical violations) rose 168 percent.[3]

There are many reasons why technical probation violators are so frequently detained in some jurisdictions. Slightly more than half of the children adjudicated for delinquency or status offenses in the United States are ordered home on probation.[4] These orders of probation often require children to observe a lengthy checklist of conditions that are demanding for any conscientious individual, juvenile or adult. Examples are "obey all orders of parents" and "in by 10 p.m. every night." Because these rules are easily and frequently broken, the opportunities for revocation of probation are abundant. Moreover, judges and probation officers sometimes feel strongly that the juvenile justice system should have zero tolerance for misconduct by children who are living at home under court-ordered conditions. These officials generally retain broad legal discretion to revoke liberty and return minors to detention even for trivial misconduct. In the absence of special controls over detention admissions in these cases, juveniles on probation are fair game for judges and caseworkers with strict enforcement attitudes.

The risk-based admissions practices developed through the JDAI have been most successful at the front door of the juvenile detention system, where RAI screens and alternatives to detention are routinely applied. Probation violators, already under court order, often come to detention through a back door that lacks the same gateway controls. In California, for example, a probation officer can take custody of a minor and book him or her into secure detention based on the complaint of a parent that the youngster stayed out late the night before. Unless bookings like these are subject to controls, the detention facility may load up with technical violators who pose minimal public safety risks.

Specific factors that contribute to the unnecessary detention of probation violators are the following:

1. Failure to measure and assess the problem

Data may be lacking on the number of probation violators—particularly technical violators—returned to detention, including the reasons for their return, their length of stay, and the number of detention beds used by technical violators. Without accurate data, it may be difficult to appreciate the extent of the problem and to devise solutions. For example, patterns of detention use in VOP cases may differ between probation officers or between judges. If such patterns are not tracked, it is impossible to know whether the probation violation problem reflects system-wide practices or the idiosyncratic decisions of only a few officials.

2. Lack of clear, written guidelines

There may be no defined or written local policy on the detention of probation violators. If detention guidelines exist, they may not establish separate procedures for juveniles with new offenses, probation violators with new offenses, and technical probation violators. The effort to create discrete guidelines for different juvenile offender classes may be complicated by differences in statutory process requirements for probation violators. For example, district attorneys may be tempted to prosecute probation violations aggressively because the legal standard of proof is, under some state codes, easier to meet than the "beyond a reasonable doubt" standard for a new delinquency offense. State law may also provide that probation violators are subject to longer pre-hearing detention times than first-time offenders.

3. Avoidance of risk screening

Even where a jurisdiction uses objective admissions screening instruments, minors returned to the detention facility on probation violations may bypass the risk assessment process and be booked directly into the facility. Alternatively, they may be risk screened, but the instrument automatically scores them for secure custody.

4. Unchecked probation authority to detain technical violators

To avoid the inappropriate detention of low-risk technical violators, local juvenile justice practice should incorporate reasonable checks and balances on the independent authority of probation officers to book children into the detention facility. Some conduct that falls within the technical violation zone may mean that the child needs help rather than confinement; for example, a young female probationer who runs away because she is the subject of predatory sexual attention at home probably needs counseling and shelter care. Local probation and court policies should include specific guidelines for probation officer decisions to detain technical violators. Supervisory review and approval of such actions is also appropriate.

5. Absence of mid-range or graduated sanctions

Many juvenile justice systems do not have not a range of graduated sanctions available for probation violators. Where the only responses to VOPs are to detain or to return a juvenile home, officials will choose detention too often. Mid-range options, described below, can be used to hold minors accountable for misbehavior while retaining detention as an enforcement option of last resort.

6. Poor interagency coordination

Government agencies with overlapping responsibilities need a coordinated response to probation violations. Building consensus on probation violator policy can be difficult when these agencies have conflicts of interest or discordant juvenile justice philosophies. For example, the detention administrator may adhere to a policy of risk screening and detention reduction, whereas the local judge may take the view that even minor violations of probation deserve a period of secure detention. The difficulty for an administrator may be compounded by rotation in

the assignment of judges to the juvenile court, each bringing a different enforcement attitude to the bench.

B. JDAI Strategies and Solutions for Juvenile Probation Violators

1. Gathering adequate data

JDAI sites tackling issues related to the detention of probation violators quickly learned the need to gather adequate data. Admissions, length of stay, and bed utilization should be counted for each type of probation violator. The data should distinguish juvenile probation violators arrested for new offenses from those returned for technical violations. Three to six months of data should accurately portray the load placed on the detention facility by different types of probation violators. The availability of the data in Table 3 helped Multnomah and Cook Counties to acknowledge their VOP problem and to develop strategies to change these utilization patterns.

2. Adopting written guidelines

Procedures for handling probation violations should be recorded in a written guide for probation officers, detention personnel, and the juvenile court. Separate procedures should apply to minors with new crimes and to minors with TVOPs. The written guide should clarify how much discretion field officers have to handle technical violations in the least restrictive and most constructive manner. It should require that probation violators be risk screened, either in the field or at intake, prior to detention. The guide should also describe how to use graduated sanctions to hold minors accountable for misconduct while encouraging their compliance with conditions of probation. Two examples of written guidelines from JDAI are noted below: the Cook County Administrative Sanctions Program and the Multnomah County graduated sanctions approach.

3. Mandatory risk screening

Probation violators in some systems are not screened for risk at admissions. The lack of screening in these cases creates, in effect, a "hole in the dike" that allows detention beds to be filled by children whose conduct does not justify secure

confinement. All JDAI sites adopted a policy of mandatory risk screening for all juveniles who were referred to intake for an alleged probation violation. In some jurisdictions, however, scoring a probation violator for risk becomes meaningless because the RAI automatically classifies the minor as a "special detention" or "must detain" case. Also, the RAI may give a significant number of points toward detention for alleged probation violations, without distinguishing technical violators from those charged with new offenses. The risk screening process applied to technical probation violators should accurately assess public safety and flight risk for each minor. A prudent practice is to review the local RAI to ensure that it does not artificially inflate scores for technical violators, causing them to be routinely admitted to secure detention.

4. Supervisory review of detention recommendations

Risk screening instruments will divert many technical violators into options other than detention (assuming such options exist). But supervisory review of the original decision to detain VOP cases is still critical. In Cook County, for example, technical violators cannot be detained unless their cases are administratively reviewed prior to detention, and a probation supervisor must be involved in a case conference prior to filing charges on a technical violation.

5. Non-judicial handling of technical violations

In some juvenile justice systems, technical probation violations may be resolved without juvenile court intervention. During New York's participation in JDAI, its probation department handled juvenile delinquency technical violations with its own administrative review process. These cases rarely found their way back to Family Court or to the Department of Juvenile Justice (DJJ), which operates New York City's detention facilities. In fact, DJJ would not accept probation violators into its facilities unless probation officers had filed petitions and met other requirements that discouraged inappropriate detention for technical violations.

Another example of administrative processing of probation violations is the Cook County Administrative Sanctions Program. In 1995, Illinois adopted juvenile code reforms authorizing "structured intermediate sanctions" for juvenile pro-

bation violators.[5] In December 1996, the Cook County Juvenile Court formally adopted a pilot Administrative Sanctions Program to implement the 1995 reform legislation. The new program is detailed in a manual published by the Circuit Court of Cook County and the juvenile probation department. The manual is anchored in a statement of program objectives, shown in Table 4.

TABLE 4

COOK COUNTY ADMINISTRATIVE SANCTIONS PROGRAM STATEMENT OF PROGRAM OBJECTIVES

- Hold minors accountable for noncompliance by intervening swiftly and responding appropriately to technical violations at the time they are detected.
- Promote positive behavioral changes by balancing the severity of the violation and public safety risk with the minor's needs.
- Relieve overburdened courts and reduce the costs of judicial violation hearings.
- Invest probation resources in specific, constructive and stepped responses to violations, and promote system-wide consistency and efficiency in addressing probation violations.
- To the extent consistent with public safety, allow minors to remain in the community under enhanced supervision to maintain family ties, employment, progress with restitution, and other positive outcomes.

Source: Circuit Court of Cook County, Juvenile Division.

The manual defines a technical violation ("any infraction of a court order of probation, supervision or discharge other than an allegation of a subsequent criminal act") and describes eligibility for the Administrative Sanctions Program (basically, any minor who commits a technical violation). Aggressive time lines are established for processing TVOPs:

- two working days to review the facts of the violation;
- one additional working day to determine risk level, violation severity, and recommended level of sanction using the grid;
- one additional working day for supervisory approval of the recommended sanction; and
- eight working days to hold an Administrative Sanctions conference with the minor and the parent.

Participation of the minor in the Administrative Sanctions Program is voluntary. If the minor elects not to participate or to contest the charge, a supplemental petition may be filed in the juvenile court to revoke or modify the order of probation.

Graduated sanctions for Cook County probation violators are selected through a four-step classification procedure. First, the minor is screened to determine level of public safety risk. Second, the severity of the violation is identified using a table of offenses and behaviors. Third, the risk score and violation severity are cross-

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referenced on a grid to produce a level of sanction. Fourth, the caseworker selects sanctions from a "sanction severity table" (Table 5). Although seemingly complicated, the forms are user-friendly and easy to apply. Moreover, this method is objective and uniform in applying sanctions.

6. Alternative programs for juvenile probation violators

a) Identifying suitable programs. Jurisdictions can draw from a broad menu of alternatives to detention program options for probation violators, including:

- Intensive home supervision. In an intensive home supervision program, the minor remains at home subject to special oversight rules, such as home visits by a probation officer and frequent call-in or office visit requirements.
- Case advocates, trackers, and mentors. In this option, a personal tracker or advocate (rather than a probation officer) monitors compliance by the youth on probation. The Tarrant County (Fort Worth, Texas) Juvenile Services Department contracts with a local nonprofit youth service organization (Tarrant County Advocates) for intensive one-on-one work with probationers. These case advocates respond to behavior compliance problems on a 24-hour basis. In Sacramento County, probationers can be assigned to a special mentoring program with students from Sacramento State University who work with youth while receiving college credit.
- Day and evening reporting. In day reporting, minors attend daytime classes and remedial programs and return to their homes each evening. All JDAI sites have implemented day- or evening-reporting centers as alternatives for probation violators.

TABLE 5

COOK COUNTY ADMINISTRATIVE SANCTIONS PROGRAM SANCTION SEVERITY TABLE

LEVEL ONE (LOW)
■ Admonishment by probation officer
■ Impose curfew
■ Minor to contact probation officer weekly by phone
■ Require minor to attend a special program
■ Require minor to seek employment
■ Other sanctions
LEVEL TWO (MEDIUM)
■ Require attendance in counseling or group therapy
■ Order community service
■ Minor to contact probation officer weekly in person
■ School detention where available, or teachers to sign class attendance sheets
■ Limit minor's freedom of travel
■ Other sanctions
LEVEL THREE (HIGH)
■ Judicial admonishment
■ House arrest after school
■ More frequent personal reporting to probation officer
■ Participate in "personal enrichment program" sponsored by probation department

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- Work service programs. In these programs, probation violators serve on weekend work crews under the direct supervision of probation or law enforcement officers. Versions of work service programs operate in all JDAI sites.

- Weekend custody. In some jurisdictions, non-secure weekend custody can be applied for a limited time for more serious noncriminal violations of probation. In Virginia, an innovative variant of weekend custody is the Richmond Weekend Community Service Program. In this program, youth with nonviolent offenses check into community-based group homes on weekends. During the day they serve on work crews, maintaining parks and other public property, and in the evenings they participate in group counseling and guidance sessions. The program is specifically geared to technical probation violators and youth who fail to perform community service hours.

- Electronic monitoring is sometimes used as a supervision enhancement or sanction for minors who violate conditions of probation, especially for those who disobey curfews.

b) Utilizing alternatives for probation violators. Developing an array of program options for probation violators will be productive only if those options are used well. Adjustments in case processing may be needed to ensure that children are assigned to these options in a timely manner. Among JDAI sites, Multnomah County offers good examples of case processing reforms designed to ensure optimum use of graduated sanctions.

By 1995, Multnomah County juvenile justice officials were well aware that detained probation violators caused a high demand for bed space (see Table 3). Late that year, they formed a committee to develop a new case classification system with graduated sanctions for all referred juveniles. They used risk and needs assessments to sort referred youth into the various classification categories. In 1997, the county adopted precise definitions for probation violations, splitting technical violations into minor, moderate, and serious. Multnomah then revamped its procedures for handling all probation violators. Dispositions for probation violators are now controlled by a new graduated sanctions grid, used to select an appropriate sanction based on the risk

score of the minor and the severity of the violation behavior. The grid, formally approved in June 1997, is shown as Table 6. Special rules to control the use of the matrix and detention of probation violators were also adopted, including:

- Detention may not be recommended for low-risk youth unless an override is approved by a supervisor. Detention for medium-risk youth may be recommended only after all other appropriate available options have been tried and exhausted or determined to be ineffective.
- Recommendations for commitment must be approved by the supervisor and by an alternative placement committee.

TABLE 6

MULTNOMAH COUNTY CONTINUUM OF PROBATION SANCTIONS FOR VIOLATION BEHAVIOR

RISK LEVEL	LOW			MEDIUM			HIGH		
Violation Level	**Minor**	**Moderate**	**Serious**	**Minor**	**Moderate**	**Serious**	**Minor**	**Moderate**	**Serious**
Sanction									
Warning	•								
Problem Solving	•	•		•			•		
Written Assignment				•					
Community Service	• 1 day	• 1-2 days	• 1-5 days	• 1 day	• 1-2 days	• 1-6 days	• 1 day	• 1-2 days	• 1-5 days
Mediation		•							
Court Watch	•	•		•					
Office Report	•	•		•					
Home Confinement Parent Supervision		• 1-3 days	• 3-5 days		• 1-5 days				
Home Confinement Department Supervision			• 3-5 days		• 1-5 days	• 5-10 days			
Day Reporting			• 2-7 days	• 2-4 days	• 4-14 days	• 7-14 days	• 4-10 days	• 7-21 days	• 21 days
Electronic Monitoring			• 5 days			• 5-8 days		• 8 days	• 8+ days
House Arrest						• up to 4 days		• up to 8 days	• 8+ days
Forestry Project					• 1 wknd	• 1-2 wknds		• 2 wknds	• 2 wknds
Court School				•	•	•	•	•	•
Detention						• 1-4 days		• 2-5 days	• 2-8 days
AITP					•	•	•	•	•
Extend Probation			•			•		•	•
Commitment						•		•	•

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Between 1996 and 1998, Multnomah County experienced a 33 percent decline in admissions of technical probation violators to secure detention. This significant reduction has been attributed by county juvenile justice personnel to the classification and detention policies described above.[6]

7. Interagency coordination strategies

A high rate of detention for technical violators can be a sign of poor coordination between juvenile justice agencies that share responsibility for children on the probation caseload. In 1992, the juvenile court in Cuyahoga County, Ohio, established a team to review cases that were clogging the local juvenile detention facility. This multiagency committee met weekly, chaired by the detention center population manager and attended by court and probation personnel and representatives of other youth-serving agencies. The committee recommended new time lines and procedures to place children more quickly, to accelerate hearing dates for detained minors, and to filter technical probation violators out of secure detention. These efforts were credited with a 50 percent reduction in case processing delays by 1994.[7]

Another coordination strategy is the use of a detention expediter. The expediter intervenes in individual cases to speed detained minors through the court process and to promote optimum use of programmatic alternatives to secure custody. In Sacramento County, the detention expediter's job includes finding alternative-to-custody dispositions for technical probation violators. These violators are often detained two to five days until a court detention hearing, but when the hearing is held, the expediter will often urge the judge to allow home supervision in lieu of detention until a subsequent violation hearing is held. The expediter, as ombudsman and advocate, can help coordinate outcomes in individual cases. However, the expediter cannot unilaterally overcome systemic factors that contribute to high detention rates for probation violators. In Sacramento, these systemic factors have included a policy allowing probation officers to admit technical violators to detention and state case law that permits technical violators to be committed to the detention center.[8] As a result of these factors, and despite the efforts of the expediter, the average daily number of secure beds occupied by technical violators increased between 1994 and 1996.

8. Considering a non-detention policy for technical probation violators

If one is looking for a simple fix for this problem, there is none more swift or sure than a policy prohibiting secure detention of technical probation violators. In fact, this is statewide policy in Florida, where technical violators do not qualify for secure custody under statutory detention criteria. It is also local policy in some jurisdictions, such as Tarrant County, Texas. A no-detention policy for technical probation violators is an especially good fit in jurisdictions that have graduated sanctions available as alternatives and in jurisdictions with a shortage of secure beds for juveniles who pose higher public safety risks. Such a no-detention policy need not be inflexible. All JDAI sites utilize an override procedure that allows lower risk youth (including technical violators) to be detained in exceptional circumstances.

A critical feature of a no-detain policy is the authority of the probation or law enforcement officer to make decisions in the field about the handling of technical violations. Detention control is difficult to achieve in systems where all minors suspected of probation violations must be booked into the detention center and held until a judicial hearing. Judges may be initially uncomfortable delegating decision-making power to field officers; nevertheless, this approach may be necessary to lower detention rates for technical violators and to relieve population pressure in the detention facility.

9. Dealing with mandatory detention laws

There is a trend nationally toward mandatory minimum sentences for juvenile offenders. In Oregon, this trend manifested itself in Ballot Measure 40 (BM 40), a statewide voter initiative adopted in 1996. BM 40 contained a "truth in sentencing" provision for juvenile probation violators, requiring those confined to serve eight full days of detention, rather than discretionary terms allowed under prior law. Mandatory "eight-day detention" has been a factor driving probation violator detention rates higher in Multnomah County.[33] The juvenile court in Multnomah County has since found room within the statute to avoid mandatory detention in every case by designating probation violators for early release upon program completion or by releasing them in order to comply with facility

TABLE 7

SPECIAL JUVENILE DETENTION CASES: STRATEGIES FOR MINORS WITH PROBATION VIOLATIONS

Problem	Strategies
No clear picture of detention rates for juvenile probation violators	1. Collect data on detention bed utilization by probation violators with separate tracking of technical violators.
Mandatory detention policy for minors with probation violations	1. Adopt policy of mandatory risk screening for all probation violators. 2. Adjust risk screens to avoid automatic detention for technical probation violators. 3. Establish discrete policies and procedures for probation violators including graduated sanctions. 4. Establish an extra-judicial or administrative process allowing probation to refer technical violators to non-secure options in lieu of court. 5. Adopt a local policy of no detention for technical probation violations.
No written guidelines for detention of probation violators or for referral to alternative sanctions	1. Juvenile court, probation department, and allied agencies produce a policy and procedure manual for probation violations. Review and incorporate model policy and procedure manuals— e.g., Cook Co. or Multnomah Co. 2. Adopt written guidelines for risk screening, graduated sanctions, time limits on custody. Ensure that guidelines adequately distinguish new offenses from technical probation violations.
Too few alternatives to secure detention for probation violators	1. Review programmatic alternatives and graduated sanctions used in model jurisdictions. 2. Establish a task force to identify alternatives and resources needed to implement plan. 3. Utilize outside experts and professionals experienced in detention alternatives.
Poor coordination of agencies that deal with probation violators	1. Establish a task force of juvenile justice agencies to examine points of conflict or dysfunction in handling probation violators. 2. Employ a detention expediter to coordinate court and probation action on probation violators. 3. Train new judges rotating into juvenile court on detention policy for probation violators.

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population caps. In general, mandatory detention laws tie the hands of judges and detention administrators seeking to lower detention rates. Juvenile justice participants should educate legislators about how mandatory detention laws can contribute to overcrowding and impede population reduction efforts. Countermeasures to mandatory detention laws include a prevention-based policy that encourages compliance by the youth on probation and the development of non-judicial sanctions that can be applied before any petition on a violation is filed.

Notes

[1]Virginia Department of Criminal Justice Services, *Compliance Monitoring Report to the U.S. Department of Justice*, Office of Juvenile Justice and Delinquency Prevention for calendar 1996. The probation violation detentions counted in this report are technical violations and do not include new criminal offenses.

[2]Hardyman, Patricia L. and Garth Davies, *Analyses of Detention Use and Needs Among Maine Youth: Population Profiles and Projections*, National Council on Crime and Delinquency, January 1997.

[3]Florida Department of Juvenile Justice, *Profile of Delinquency Cases and Youths Referred at Each Stage of the Juvenile Justice System, 1991-92 through 1995-96*, December 1996, p. 36.

[4]Butts, Jeffrey A.; Howard N. Snyder, Terrence A. Finnegan, Anne L. Aughenbaugh and Rowen Poole, *Juvenile Court Statistics*, 1994, Office of Juvenile Justice and Delinquency Prevention and the National Center for Juvenile Justice, December 1996, pp. 16, 37.

[5]Public Act 89-198, effective July 21, 1995.

[6]For 1998, Multnomah County's Department of Juvenile and Adult Community Justice reported 461 detention admissions for probation violators having no new criminal charge, representing 21 percent of all admissions to detention in that year.

[7]Butts, Jeffrey A. and Gregory J. Halemba, *Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process*, National Center for Juvenile Justice, 1996, p. 86.

[8]Under California case law, children who are adjudicated wards of the court on the basis of a criminal offense may be sentenced to a term of confinement in a detention center. These California "juvenile hall" commitments are called *Ricardo M.* commitments after the California appellate case that authorized this use of the detention center.

[9]In 1997, legislation was introduced to extend Oregon's mandatory juvenile probation violator sentence from 8 to 30 days. The legislation carried the potential to undermine the efforts of Multnomah County judges and probation personnel to control their detention population. After much controversy and debate, the legislation was defeated.

Chapter 4

MINORS IN POST-ADJUDICATION AND POST-DISPOSITION DETENTION

This chapter discusses minors who remain in secure detention after their adjudication or disposition hearings. The coverage is divided into two sections: a brief review of problems between the adjudication and the disposition hearings and a more extensive examination of post-disposition detention time spent by children waiting for (or returned from) out-of-home placement. The controversial practice of sentencing juveniles to time in detention facilities is not covered.

DELAYS BETWEEN ADJUDICATION AND DISPOSITION

A. Nature of the Problem

No data were available from JDAI sites on average daily bed use by children detained between adjudication and disposition hearings, although many factors can cause delay during this period. The most common is time needed to prepare dispositional reports, along with related scheduling inefficiencies. In poorly automated systems, information for these reports may have to be gathered by hand from paper records. The probation department may be understaffed and unable to keep up with the caseload. The juvenile court may be overwhelmed with cases waiting to be heard. With a statutory time limit for holding the disposition hearing, the system may tend to use all time allowable. Attorneys seeking and getting continuances may extend the time limit and waive the client's right to be released within a certain time. Finally, in some places, no effort is made to prioritize scheduling of reports for youth who are detained awaiting disposition.

B. Strategies to Reduce Detention Time Between Adjudication and Disposition

1. Analysis of the caseload

Adequate data are needed to identify the detention bed space used for minors between adjudication and disposition. Collection of data on the length of stay for each minor in detention between adjudication and disposition can clarify the

demand for such detention. This information should be correlated with the offense for which the minor has been adjudicated. The data should be supplemented with a qualitative analysis of the causes of delay (e.g., preparation of reports, court backlogs, attorney continuances). Data should also be collected regarding dispositions. If many detained juveniles are released at disposition to non-residential options (such as intensive supervision or day reporting), serious questions about their confinement following adjudication should be raised.

2. Detention time limits

In 1980, two national projects on juvenile justice standards recommended a 15-day limit between the adjudication and disposition hearings for detained children.[1] Twenty-four states now mandate the time allowed for detained minors between adjudication on a delinquency charge and the disposition hearing. These time limits generally range between 15 and 30 days for juveniles in secure custody.[2] When a time limit for detention pending disposition is not established by state law, one should be adopted as a matter of local policy. Even when overworked probation and court staff have trouble complying, the detention time limit serves multiple juvenile justice goals, including fairness to the minor and control of the detention population.

3. Efficiency measures to reduce delays

A number of measures can be adopted to improve the efficient flow of cases and reduce time children spend in detention. The time between adjudication and disposition is needed to prepare the probation report and to schedule and hold the disposition hearing. These tasks can be automated by using specialized software to monitor and improve the flow of cases through the juvenile court. For example, in Maricopa County, Arizona, a "Juvenile On-line Tracking System" (JOLTS) uses task-specific software to schedule probation interviews, assign cases to probation officers, and put court hearings on the calendar. JOLTS also supports an inter-agency e-mail system to inform juvenile justice agencies about hearing dates and changes in hearings and report deadlines, and it also allows personnel to view individual case information from multiple agency sites.

In addition to automation, other measures can reduce delays between adjudication and disposition, including case expediters and the adoption of a fast track for juvenile court dispositions where the parties can agree early on an outcome. In Sacramento, for example, a "Detention Early Resolution" process enables that system to dispose of a significant percentage of detained cases within five court days following the detention hearing, some 20 court days faster than required by statute. (For more about case processing innovations and a detailed description of "Detention Early Resolution," see *Reducing Unnecessary Delay: Innovations in Case Processing*, in this series.)

4. Detention alternatives for post-adjudication and pre-disposition minors

In Cook County, Illinois, the Circuit Court (Juvenile Division) has approved a "Detention Step Down" project for several classes of detained children, including some held in custody between adjudication and disposition hearings. In this program, the juvenile court judge pre-approves the minor for release from custody at the discretion of the probation officer before the disposition hearing. If the minor is behaving well in detention and is unlikely to constitute a public safety risk upon release, the probation officer can refer the minor to electronic monitoring, evening-reporting centers, non-secure shelter, or home confinement without having to go back to juvenile court for approval.

MINORS IN POST-DISPOSITION DETENTION

A. Nature and Extent of the Problem

Nearly 30 percent of all delinquency and status offense adjudications nationally result in out-of-home placement. According to an estimate by the National Center for Juvenile Justice, juvenile courts in the United States ordered more than 150,000 juvenile delinquents and status offenders into out-of-home placements in 1994.[1] These juveniles are sent to state-operated training schools, to local and regional correctional facilities, and to private residential facilities such as group homes. Not all of them go quickly. Many remain in detention centers because placement personnel cannot locate an appropriate private placement as ordered by

the court, or because space is unavailable in training schools. These delays sometimes extend for weeks or months.

Of the JDAI sites, Sacramento had the highest and most chronic bed utilization rates for minors with dispositions to private placement. Between 1994 and 1997, minors on the private placement caseload used, on average, 15 percent of all detention beds available in Sacramento County. Most of these detainees were children returned from placements as program failures. Sacramento's relatively high bed utilization rate for post-dispositional minors is not unusual in California, where 24 percent of the state's average daily detention population of 6,400 children are waiting for transfer to a private placement, probation camp, or training school (Table 8).[4] California is not the only state with this problem. Florida faced a surge in the number of detained, post-adjudicatory minors waiting for placements following statutory changes in 1994. In the first six months of 1997, approximately 25 percent of all Florida detention beds were occupied by children waiting for transfer to a court-ordered placement or program.[5]

TABLE 8

CALIFORNIA POST-DISPOSITION JUVENILES IN COUNTY DETENTION FACILITIES WAITING FOR TRANSFER TO PLACEMENT: NUMBER AND PERCENT OF TOTAL STATEWIDE JUVENILE DETENTION POPULATION BY TYPE OF PLACEMENT DESTINATION, 1993-95

	Waiting for private placement		Waiting for local ranch/camp		Waiting for California Youth Authority		Total waiting	
Year	No.	Percent	No.	Percent	No.	Percent	No.	Pct.
1993	665	12.0	305	5.5	166	3.0	1,136	20.5
1994	734	12.2	463	7.7	211	3.5	1,408	23.4
1995	720	11.3	554	8.7	274	4.3	1,548	24.3

Source: California Youth Authority. Based on total statewide average daily detention populations of 5,543 juveniles in 1993; 6,105 in 1994; and 6,371 in 1995.

The common explanation for why minors wait in detention for placements is that demand exceeds supply. However, this is a superficial explanation. Other contributing factors include few or inadequate alternatives to out-of-home care, slow or inefficient placement practices, systemic or statewide shortages of placement slots, and high placement failure rates. Compared to other types of special detention cases discussed in this report, post-dispositional cases are more challenging and intractable. Remedies often involve other troubled human service systems (e.g., child welfare, mental health), statewide budget and resource issues, and

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uncertainty about federal revenue sources like the AFDC-FC entitlement program, which supports some residential care costs.

The major factors that contribute to high post-disposition detention rates include the following:

1. Few alternatives to out-of-home placement of juvenile offenders

One way to avoid detention backups of children waiting for residential care is to divert some placement cases to alternative, non-residential dispositions. An increasingly popular alternative to residential care is the day- or evening-reporting program. Other alternatives, including multisystemic therapy and wrap-around services, can also reduce the number of out-of-home placements. These alternatives may be as beneficial as full-time residential care and cost much less. Nevertheless, many jurisdictions have been reluctant to develop options to out-of-home placement, particularly where there has been strong reliance on federal and state entitlement programs that support the costs of out-of-home care.

2. Slow, inefficient, or poorly coordinated placement practices

Multiple parties must cooperate to recommend, issue, and implement a placement order. Important players include the minor and the family, probation officers working up the case for court, mental health and other treatment professionals who may have been involved in the case, the juvenile court judge who makes the placement order, and the public or private provider who ultimately accepts or refuses the minor. If delays or breakdowns in anyone's performance occur, detention time will be extended. Jurisdictions without automated information systems take longer to prepare application packages for their wards. Shortages of administrative support personnel may delay simple things, like copying official records. Insufficient staff may also preclude the identification of new placement resources. There may be no statutory time limits on moving children from the detention facility to placement. Inadequate contract management may allow providers to decline potentially hard-to-manage cases.

3. Systemic or statewide shortages of placements for juvenile offenders

Even if a jurisdiction diverts more juveniles to non-residential options, a shortage of private beds and treatment slots for juvenile offenders may remain. The availability of funds for residential care is a key factor affecting the number and variety of placements available for juvenile offenders. In many states, placement costs are supported by state general revenue funds. In a few states, like California, child welfare funds (with federal cost-sharing) pay for most private placements. Rising costs of care in the private sector, and the failure of the state and federal reimbursement system to keep pace with these costs, have driven many private providers out of business in California, contributing to fewer residential programs within the state, increased use of out-of-state providers, and local backups in secure detention.* With private care scarce, residential programs for juvenile offenders with special needs—including children with mental health problems, juvenile sex offenders, drug-dependent minors, young (and pregnant) women, and non-English-speaking minors—become nearly unattainable. All JDAI sites reported difficulty finding suitable placements for children with these special needs.

4. Placement failures

A significant problem in some jurisdictions is the recycling of minors back to the detention facility after an alleged failure in placement. If these minors are charged with new crimes, they are likely to be risk screened and detained on the same basis as pre-adjudicated minors. But in many cases, children are returned to detention from private programs for non-criminal behavior, such as leaving a group home without permission, disobeying house rules, or "incompatibility" with the program. Mechanisms to prevent unnecessary returns from placement—such as training programs for providers or procedures to review placement returns—often do not exist. High demand for residential care puts providers in advantageous positions. They can "cream" the placement referrals, accept only those least likely to misbehave, and quickly discharge those who do violate rules, knowing full well that they can maintain a high census because other children are awaiting a bed. High rates of placement failure are usually symptomatic of multiple problems (not just

adolescent misbehavior) and call for a serious diagnosis of the dispositional end of the juvenile justice system.

5. Delays in transfers to state training schools

In some states, deliveries of adjudicated juveniles to state youth correctional facilities are slowed by burdensome paperwork and transfer requirements. In other instances, the training school may be overcrowded and temporarily unable to accept new court commitments. Even when statutes require transfers within specified time limits, the state agency may refuse to accept youth. Localities have limited leverage in these situations. These problems can contribute to serious backups of children in juvenile detention centers.

B. Strategies and Solutions for the Post-Disposition Detention of Children with Placement Orders

1. Caseload analysis of post-disposition minors in detention

An accurate analysis of the caseload is a prerequisite to reducing the number of placement-bound children in detention. For an adequate analysis, the data should include the following:

- Daily number of minors in post-disposition detention and average daily population by month. Detention reasons for these minors should be tracked separately, including a category for minors returned as placement failures.
- Basic characteristics of post-disposition detainees including age, gender, offense, probation history, and number of prior placements, along with any key diagnostic and treatment elements that can be factored in.
- Length of stay in detention, cross-tabulated with the data elements specified above.

Accumulation of these data over several months allows analysis of the placement caseload and its impact on the detention facility. The data should be supplemented with a qualitative review of the placement process from start to finish, identifying the responsibilities of each stakeholder and points where efficiency,

coordination, and relationships can be improved. The process review should identify the revenue sources that support private placements and should address the question of whether reliance on particular funding sources has a negative effect on placement availability or on the detention population.

2. Alternatives to out-of-home care

One way to reduce backlogs of placement-bound children in detention is to reduce the number of children ordered into out-of-home care. Many children may be suitable candidates for less restrictive, non-residential dispositions. These options may not be appropriate for children whose homes remain abusive and dangerous or for children with highly specialized treatment needs. However, non-residential alternatives should be part of the continuum of care available to juvenile offenders at various levels of offense severity, public safety risk, and treatment need. In the context of juvenile detention reform, day treatment and intensive home-based service programs offer two important alternatives to placement.

a) Day treatment. Increasingly, day treatment programs are being developed by private residential care providers as adjuncts or step-down components of their own programs. For example, in response to demand for lower cost options to placement, Boys Republic has supplemented its 200-bed residential campus for delinquent wards in Southern California with day treatment programs in three California counties. These programs, under cooperative agreements with local school districts, offer a full educational curriculum and use counseling and group therapy techniques designed specifically for mid-level juvenile offenders. Recidivism rates for children in these programs are equal to or better than the outcomes for children in long-term residential care.

b) Intensive home-based services. In Santa Cruz County, California, the probation department and the juvenile court have reduced the number of children awaiting private placements by creating a new dispositional option, a Family Reunification Program. In this program, the child returns home, and the family is offered a variety of wraparound services that may include mental health, parent training, and other interventions, supervised by a team of probation personnel and clinicians. The goal is to avoid unnecessary residential placements, to improve out-

comes for children, and to reduce county detention rates. A fiscal analysis of the Santa Cruz program for the first six months of operation indicates a cost-per-case reduction of approximately 40 percent for minors receiving intensive home-based services as opposed to out-of-home placement.[7]

3. Improving placement speed, efficiency, and coordination

Reductions in the number of detention beds needed for post-disposition children can be achieved with the following efficiency measures:

a) Detention time limits. Many state codes impose statutory time limits on pre-disposition juvenile detention, but these time limits rarely govern post-disposition time in the detention facility. New York, however, is an exception. Under New York law, juvenile delinquents must be moved to the place of commitment within 15 days, and juvenile offenders (under adult court jurisdiction) are subject to a 10-day detention limit. To meet these deadlines, the New York City Department of Juvenile Justice (DJJ) streamlined paperwork and transfer requirements for deliveries of youth to state facilities. It also negotiated new arrangements with the relevant state agency to ensure timely transfer.

b) Improving pre-placement assessments. For children going into treatment programs, an accurate needs assessment provides a rational basis for selecting the proper program. The quality of needs assessment is key to overall placement success as well as the rate of program failure returns to detention. The most sophisticated needs assessment models include family, educational, health, and mental health sub-assessments, conducted according to standardized protocols with objective, validated assessment instruments. Needs assessment technology has improved in the past decade: several good needs assessment models as well as assessment instruments have been developed for use with juvenile offender populations.[8]

The NCCD recommends that a comprehensive needs assessment be conducted prior to the disposition hearing to inform and justify the sentencing decisions made by the juvenile court.[9] This recommendation may be hard to implement in jurisdictions where the cost of conducting a full needs assessment for each pre-dispositional youth is prohibitive. At a minimum, each minor ordered into a

private out-of-home placement should receive a comprehensive and standardized needs assessment as soon as possible after the disposition hearing.

*c) **Pre-dispositional planning.*** Pre-dispositional planning seeks to achieve consensus on case outcome prior to the disposition, offering a recommendation and specific placement option to the court at the hearing. Although many sites begin to collect disposition-relevant information in advance of adjudication, most jurisdictions do not try to achieve consensus on placement before the disposition hearing. Sacramento's "Detention Early Resolution" effort is perhaps the most developed example of pre-dispositional planning. It includes an abbreviated probation report (prepared within five days of the original detention hearing) and explicit recommendations for disposition. In Florida, before commitment recommendations are made to the court, the district manager for the Department of Juvenile Justice chairs a conference (with attorneys, parents, the case manager, and other interested parties) to confirm the need for out-of-home placement and to decide on an appropriate security level.

*d) **Improved information collection and automation.*** Computerization can significantly improve the speed and quality of the placement process. In a fully automated system, the placement caseworker uses a desk terminal to view all relevant case information previously collected to execute risk and needs assessment instruments and to scan for available programs and placements. A fully automated system also allows the placement unit to monitor the progress of minors in placement and assists with quality assurance by providing updates on provider performance. Specialized software is available to automate and unify these placement operations.

In its original detention reform plan, Sacramento County identified "awaiting placement" cases as a major factor in Juvenile Hall crowding. The analysis also indicated that extended lengths of stay related to preparation of placement materials was part of this problem. As a result, the probation department expanded its placement unit—hiring both an additional officer and an administrative assistant—to process paperwork on placement cases more expeditiously.

4. Placement failures

Children who fail in placement are usually returned to detention for reassignment to another program or disposition. Sacramento County has experienced chronic

high rates of placement failure and correspondingly high detention levels for these youth. Between 1990 and 1996, more than a third of all minors placed in residential care by the probation department were returned as failures; in the last three years of this cycle (1994-96) failures averaged nearly 50 percent of the caseload.[10] Specialized procedures can help deal with detention backups that result from placement returns. There should be a reassessment within a reasonable time for re-evaluation and location of another placement. The juvenile court should review the prior disposition and consider non-residential alternative dispositions if the out-of-home placement is unsuccessful. To reduce high detention rates for failed placement, Sacramento County added placement staff to find appropriate placements for kids with multiple failures and created a special court calendar to reduce detention time and to expedite re-placement.

Although Sacramento has adopted procedural reforms to speed processing and re-placement of children classified as placement failures, the county has not been able to dictate to providers the terms under which minors are discharged and returned to detention. This is a more serious problem in California, where probation placements are funded by federal entitlement payment systems, than in states where delinquency placements are funded by juvenile justice agencies. In California, under the AFDC-FC payment system, providers are accountable to the state child welfare agency (the Department of Social Services) for program content, staffing levels, and other licensing and compliance matters. This means that the juvenile court and probation department have no direct control over the provider, except the power to terminate referrals. Providers can easily reject hard-to-manage cases and send them back to detention.

In other jurisdictions, there may be significant deterrents to quick returns of difficult cases to detention. In Florida, for example, residential care providers operate under contracts with the Department of Juvenile Justice. Departmental rules do not allow a child to be transferred to another placement until the allegation against the child has been proved in an administrative hearing in which the minor has specific due process rights. In addition, Florida closely monitors providers with a quality assurance program through which providers are periodically evaluated for

standards compliance. If two below-standard evaluations are received, the referral contract may be terminated. Although Florida has a serious buildup of post-disposition minors in detention, it does not result from the recycling of already-placed youth. Key to limiting placement failures in Florida and elsewhere is a provider relationship that enables the referring source to control provider rejections.

Placement officers need adequate information about available programs. In its 1990 study of the Los Angeles County juvenile offender assessment process, NCCD found that placement personnel learned about programs mainly through talks with other probation officers and phone calls; often, placements were selected largely because they were available, not because they were tailored to the youths' needs.[11] A 1995 study of placement practices in Minnesota found that a third of the officers making juvenile placements were dissatisfied with the level of program information available, and 88 percent were dissatisfied with the level of information about the effectiveness of the placements.[12] A method for collecting, updating, and sharing information on placements should be part of any plan to reduce the number of minors who fail placement and return to secure detention.

Juvenile offender placements are more likely to succeed if there is cooperation among the adults who make the referrals and run the placement programs. Juvenile court judges and placement personnel need to understand the economic and service issues that concern providers. Providers must respond to the needs of the children being placed and to the requirements of agencies making the placements. Training programs to acquaint providers with service needs and contract requirements can improve compliance and placement outcomes. Those who make placement decisions, including juvenile court judges, can benefit from site visits to programs and meetings with providers to discuss placement problems.

5. Expanding placement variety and capacity

The expansion of private placement capacity is a costly and sometimes misdirected option for addressing detention crowding. The urge to build new placement capacity can, for example, lead to the development and use of questionable programs. In the mid-1990s, for example, bootcamps were the fad for juvenile offenders; several well-known private providers marketed bootcamp-type

programs for misbehaving youth. In 1998, the death of a juvenile offender at Arizona Boys Ranch, which used confrontational treatment, caused the state of California to suspend placements in out-of-state facilities until they could be certified as meeting California's own child protection standards. Any effort to expand residential care capacity should be tied to a comprehensive analysis of juvenile offender needs, so that appropriate placements can be developed. The absence of specialized placements was cited repeatedly by placement personnel interviewed for this report as a reason for referrals to inappropriate programs and for subsequent placement failures and returns to detention. In particular, placements (or non-residential programs) are in demand for the following types of cases:

- minors with mental health treatment needs
- aggressive and "hard-to-manage" children
- developmentally disabled juvenile offenders
- juvenile sex offenders
- drug-dependent minors
- female juvenile offenders/pregnant girls
- non-English-speaking juveniles

Local officials also need to examine whether existing placement capacity is efficiently utilized. In Cook County, for example, a substantial backlog of awaiting placement cases led to the establishment of a specialized court part whose function was to expedite the review of placement cases so that appropriate youth could be returned home in a more timely manner. This review process produced more timely returns from residential care which, in turn, freed up placement beds for youth backed up at the detention center.

6. Strategies for minors committed to state training schools

Juvenile justice administrators may be able to accelerate the movement of state-committed youth by negotiating directly with the public agency that runs the training school to reduce transfer delays. For example, state agencies typically require a variety of information before accepting custody. Delays in getting that information can lead to backups of state-committed youth in local detention. The

TABLE 9

SPECIAL JUVENILE DETENTION CASES: STRATEGIES FOR MINORS IN POST-ADJUDICATION AND POST-DISPOSITION DETENTION

Problem	Strategies
Delays and high detention levels for minors between adjudication and disposition hearings	1. Analyze the length of stay and reasons for delay during this period of detention. 2. Set reasonable limits on the time children can be detained between adjudication and disposition. 3. Establish "fast track" procedures to reduce total court processing time for cases amenable to early resolution. 4. Make non-secure alternatives available to children now routinely detained pending disposition. 5. Prioritize dispositional report preparation for detained cases.
High levels of post-disposition minors in detention; problem is poorly understood	1. Change or add data collection capability to track post-disposition detentions by type of placement, length of stay, program failures, and other factors. 2. Conduct qualitative assessment of placement practice examining roles of court and placement personnel, placement efficiency, assessment timing and quality, placement failures, costs of placement.
Slow, inefficient, or poorly coordinated placement practices	1. Set post-disposition detention time limits. 2. Improve quality and accuracy of pre-placement needs assessments. 3. Develop pre-disposition placement plans. 4. Improve and automate information systems.
Few alternatives to out-of-home residential care for juvenile offenders	1. Review model alternatives to out-of-home placement such as day treatment and family preservation alternatives. 2. Review local need for alternatives and resources to support development. 3. Implement development plan as coordinated project of court and placement personnel.
System-wide or statewide shortage of residential programs for juvenile offenders	1. Implement non-residential options as cost-effective alternatives to more costly residential program development. 2. Identify programs needed to serve juvenile offender population, including special-needs juvenile offenders (e.g., those who have a mental disturbance or a developmental disability or young females). 3. Conduct detailed revenue source-cost analysis to identify sources of funds and cost-benefits of program development; balance new residential capacity with non-residential options.
High rate of youth who fail placement and are returned to detention facility	1. Analyze placement failure cases, including reasons for failure and related detention data. 2. Optimize quality and timing of pre-placement assessment to improve placement success. 3. Inform placement officers better about provider programs and effectiveness. 4. Gain control over provider returns to detention with contract provisions requiring providers to make second efforts, keep hard cases. 5. Automate placement practices to improve speed, efficiency, and quality of placements; use new technology and software.
Delays and detention backups caused by slow movement to state training schools	1. Negotiate with state agency to streamline and modernize information transfer requirements. 2. Avoid redundant evaluations that will be repeated at the training school. 3. Encourage state to reduce overcrowding in training schools that causes detention backups. 4. Encourage development of local alternatives to state commitment, based on population and cost analysis, and funded by state subsidies or other revenue sources.

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New York City DJJ reduced post-dispositional stays of state-committed juvenile offenders by reducing this paperwork. New automated information systems allowed the state Division for Youth direct access to individual case files. They eliminated redundant assessments, such as the post-disposition psychological assessment now done by the state agency. With such measures, DJJ reduced waiting times for state-committed juvenile delinquents to an average of nine days (well within the 15-day statutory limit). In Sacramento County, the detention expediter helped reduce average post-disposition detention time for state-committed (Youth Authority) cases from an average of four weeks to two. In part this was achieved by persuading the Youth Authority to accept fax copies of missing case records in lieu of the hard copies previously required before the youth could travel to the state facility.

Paperwork reduction strategies will have limited impact if the state training school is overcrowded and refuses new commitments until beds are freed by releases. The reduction of overcrowding in state training schools is beyond the scope of this report. Nevertheless, it is important for jurisdictions facing this problem to know that there are strategies comparable to those used for detention reform that can effectively reduce demand for training school beds and, in turn, help local jurisdictions avoid backups of training school youth in juvenile detention facilities.

Notes

[1]Institute of Judicial Administration/American Bar Association, *Juvenile Justice Standards*, Joint Commission on Juvenile Justice Standards, 1980, Standard 3.3. Office of Juvenile Justice and Delinquency Prevention, *Standards for the Administration of Juvenile Justice*, National Advisory Commission for Juvenile Justice and Delinquency Prevention, 1980, p. 311.

[2]For a summary of these state detention time limit laws, see Jeffery A. Butts and Gregory J. Halemba, *Waiting for Justice: Moving Young Offenders through the Juvenile Court Process*, National Center for Juvenile Justice, 1996, pp. 15-17.

[3]Butts, Jeffrey A.; Howard N. Snyder, Terrence A. Finnegan, Anne L. Aughenbaugh and Rowen S. Poole, *Juvenile Court Statistics, 1994*, Office of Juvenile Justice and Delinquency Prevention and the National Center for Juvenile Justice, December 1996, pp. 15, 37.

[4]Wedge, Robert. *California Juvenile Hall Population Summary.* Reports 28-30 for calendar years 1993-95. California Youth Authority. The reports for 1994 and 1995 have not yet been published, but data collected and prepared for these reports were furnished to the author by the Youth Authority Research Division.

[5]Unpublished data collected and supplied to the author by the Florida Department of Juvenile Justice.

[6]California lost 700 children's group home beds between 1993 and 1996, mostly due to budget and policy changes that effectively reduced payments to private providers. These developments are discussed in *Out-of-County/Out-of-State Community Care Facility Placements,* Report to the Legislature from the California Department of Social Services, April 1996.

[7]Human Resources Agency, County of Santa Cruz. *Report on Inter-agency Placement Alternative Programs,* June 5, 1997.

[8]The NCCD has designed risk and needs assessment protocols for juvenile justice and child welfare jurisdictions in several states and is a recognized leader in this field.

[9]Baird, S. Christopher and David Steinhart, *A Design for the Assessment of Youth Referred to the Los Angeles County Juvenile Justice System,* National Council on Crime and Delinquency, October 1990, p. 44. This study also contains recommendations on the automation of placement tasks.

[10]Sacramento County Probation Department, "Juvenile Justice Initiative" application to the Board of Corrections, March 1997.

[11]Baird and Steinhart, op. cit., (footnote 13), pp. 22-28.

[12]Office of the Legislative Auditor (Program Evaluation Division), State of Minnesota. *Residential Facilities for Juvenile Offenders,* February 1995, p. 44.

Chapter 5

LESSONS LEARNED

Though they did not begin their reform efforts expecting to encounter these problems, JDAI sites eventually acknowledged that "special" detention populations often require unique strategies. Some of the lessons they learned are offered below.

1. Remedies must be linked to adequate data and analysis of the problem population. Special detention problems are not always well-defined or understood. Remedies to control unnecessary detention in these cases must be built on a foundation of facts about the caseload. Reform efforts should, therefore, begin with the collection of adequate data on children in special detention categories. Although data collection can be tedious, it is essential for any effort to gain lasting control over detention in these difficult cases.

2. Detention goals, policies, and procedures should be clearly articulated in writing. Special detention problems sometimes arise from a lack of clear policies and procedures applicable to these cases. One example would be an absence of specific procedures for technical probation violators. Without specialized procedures, these children are likely to be detained on the same basis as juveniles with new offenses who probably pose much higher public safety risks. Policies and procedures need to be in writing to foster consistency of performance and service delivery in all cases. Written procedures also contribute to continuity in the administration of juvenile justice, by providing ground rules for new personnel. The Cook County Administrative Sanctions Program and the Multnomah County Graduated Sanctions Continuum for juvenile probation violators, described in Chapter 3 of this report, provide examples of well-written policies and procedures.

3. Remedies for special detention cases are most likely to succeed in a context of comprehensive detention reform.

For some special detention cases, specific adjustments of policy and procedure will produce dramatic results. Admissions related to bench warrants, for example, can

often be controlled simply by adding new warrant categories and cleansing stale warrants from the court record. Some special detention problems, however, demand multiple or comprehensive reforms. Most notably, placement problems and related detention backups call for multiple strategies. One-shot solutions, such as using an expediter to speed placements or imposing time limits on post-adjudication detention, can help but are usually inadequate to achieve permanent control in more complex special detention situations.

4. Detention reform jurisdictions have produced models worth replicating.

Only a few jurisdictions in the United States (including the sites participating in the JDAI) have mounted comprehensive juvenile detention reform efforts. These pioneer jurisdictions have produced programs and procedures that are models for the control of detained juvenile populations, including the special detention populations discussed in this report. Their experiences serve as a resource for judges, probation administrators, and other juvenile justice advocates who wish to improve detention practice in their own communities.

5. Strategies for the control of special detention cases are not necessarily costly.

Secure detention is an expensive interim status for children who might safely be referred to less costly options such as day reporting or electronic monitoring. Almost all of the strategies suggested in this report can produce cost savings in jurisdictions that adopt them.

6. The needs of the children on special detention caseloads should drive the solutions.

Many of the special detention problems described in this report are problems created by the professionals who run the juvenile justice system, not by the children who are processed through it. Under constant pressure to keep the system functioning, these adults may fail to address the underlying needs of detained children. For example, without adequate needs assessments, rates of placement failure may climb, causing confusion or despair among children shunted from place to place. In addition to public safety and sound management, detention reforms should provide guidance and care for children under justice system control.

7. Juvenile justice stakeholders must collaborate on special detention strategies. Detention policy is rarely the responsibility of a single agency or participant in the juvenile justice system. Good detention practice requires a high degree of cooperation among multiple stakeholders including the juvenile court, the probation department, law enforcement, and community agencies operating alternative-to-detention programs. Some special detention problems may persist until focused efforts resolve conflicts. For example, in placement cases, negotiations among the juvenile court, the placement unit, and private providers may be needed to diversify, improve, and accelerate placement and to reduce the number of children stagnating in detention without a suitable placement.

8. Stakeholders need patience and persistence to deal with special detention cases. Children with warrants, probation violators, and placement cases present some of the most vexing challenges faced by juvenile justice personnel trying to meet detention reform goals. It may take some time to appreciate the scope of the local special detention problems and to devise and implement appropriate remedies. In some cases (e.g., post-disposition backups) the remedy may require cooperation and change across multiple service systems. Reformers will need to be dedicated and persistent in their pursuit of these solutions.

RESOURCES

For information on strategies used by JDAI sites in special detention cases, contact:

Michael Rohan, Director
Juvenile Probation and Court Services
Circuit Court of Cook County
1100 South Hamilton Avenue, 2nd Floor
Chicago, IL 60612
(312) 433-6575

Rick Jensen, Detention Reform Project Coordinator
Multnomah County Department of
Juvenile and Adult Community Justice
1401 NE 68th Avenue
Portland, OR 97214
(503) 306-5698

Yvette Woolfolk, Project Coordinator
Juvenile Justice Initiative
Sacramento County Superior Court
9555 Kiefer Boulevard
Sacramento, CA 95827
(916) 875-7013

For technical assistance with special detention cases, contact:

The Center for the Study of Youth Policy
Nova Southeastern University
Shepard Broad Law Center
3305 College Avenue
Fort Lauderdale, FL 33314
(954) 262-6239

Commonwealth Juvenile Justice Program
P.O. Box 190
Bolinas, CA 94924
(415) 388-6666

National Council on Crime and Delinquency
685 Market Street, Suite 620
San Francisco, CA 94105
(415) 896-6223

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